dry as dust. It wasn't poured in the modern mould. Let's streamline and update it.

It's true that when a client comes to my office I run to the "big books" to see if his factual situation has been decided before. If it has been, if I can find a case on "all fours" (identical) then I have "stare decisis" (to follow the prior decision). But, if our young law students and law professors weren't so busy oiling their IBM machines and computers, they might point out that with the necessity of the certainty of stare decisis as essential to protect our liberty as well as our property, there's modernity in our law.

They might study with the laymen such "loophole" cases as the recent Pierce case from California: Under our common law there must be two or more for a "conspiracy". Husband and wife are one in the law, therefore, no conspiracy and in the past co-conspiring husband and wife were "coddled" -- they walked off scott free.

But just recently, one of my old law professors who is now Chief Justice of the California Supreme Court (Traynor) said in the People v. Pierce, "Defendants finally contend that the long-established rule formulated by this Court that would afford them immunity (husband and wife being one) should not now be overruled except by the legislature. In effect, the contention is a request that the courts advocate their responsibility for the upkeep of the common law. That upkeep it needs continuously as this case demonstrates.

"In view of the fact that the fiction underlying the rule in question has long been dead "(the modern wife may make her own contract and is often as actively engaged in business outside the home as is the husband)" we overrule Pinkerton. We hold that even when a husband and wife conspire only between themselves, they cannot claim immunity from prosecution for conspiracy on the basis of their marital status."

Particularly with the law, since it's what makes our life and present property possible, it's wise to look at history as a future guide. Perhaps we'll find that some of the reforms now being suggested are the exact abuses which our present criticized laws reformed against.

A number of other countries in this troubled world have made basic legal "reforms" either abruptly or through erosion. But their "reforms" have really been regressions to complete dissolution of human rights and liberties.

Let's examine why we first came to these shores and left that prosperous but arbitrary police state of England. We left partly for religious reasons, but principally because of the legal abuses of the "rights" of those accused of crime. And tho "those" was anybody and everybody. It's some of those very abuses of the rights of an accused that we're asked to return to so that we aren't coddling criminals.

Criminal trial procedures in those "good old days", to which some governments have completely regressed, made the criminal trial a short and speedy race with no "law delays" as

"technicalities". And the prosecutor was spotted six laps ahead of the defendant at the starting line.

While today, at least in America, a person arrested must be brought immediately before a magistrate, warned of his right to remain silent, specifically informed of the charges against him, allowed to subpoena witnesses in his behalf, send for a lawyer, consult with him and prepare his defense and even be admitted to bail pending the trial, in England at about the time we thought we had had enough of these procedures and undertaken for the United States, a defendant could be and generally was secretly arrested, secretly confined and was not even informed of the charges against him until he was brought to trial. He could be convicted of something he didn't do, as well as something that was quite innocent when he did it, but was made criminal later on; (i. e. the Medley case). A statement was immediately taken from the accused at his place of secret confinement and this was later read in court before the accused knew with what he had been charged.

The accused had no right to call witnesses in his behalf and it would have done him very little good, because he could not have consulted with them beforehand to know what would be their testimony. At the trial, there were no rules of evidence and the defendant might even be accused by complainants he had not the right to see (that's why we now have a rule against "hearsay" see infra).

There was no right of cross-examination at all and not until 1837 was the defendant allowed a lawyer as a matter of right. The trial judge instructed the jury, but then immediately proceeded to rule one way in a civil case, and the exact opposite in an identical fact case because of the same improperly placed comma -- which did not alter the meaning of the phrase at all.

But such Dickensian legal antiquities don't exist in most states on appeal any longer. For example, California has a Constitutional amendment that says that a "technicality" will be overlooked on appeal if the whole record fails to show a miscarriage of justice.

In medieval England from whence our common (customary) law came (or didn't you know that the study of medieval English history was that important to a lawyer?) there was a great deal of ritual and formality to supplement man's shabby life (even as do today's romantic television ads lift us out of the common place). Knighthood and chivalry were a good example, but the law was even a better one:

In civil law one had to come "through the right door" or he was promptly ushered out of Court. He had to call his case by the proper name, bring the proper "form of action" or no matter how good was his cause, he'd be tossed out of Court. Words like "detinue", "trover", "trespass on the case" were all "forms of action", and judge pity the man who should have pleaded in "trover" when his case was in "detinue". The distinction was hair-thin.

We don't have these "technicalities" of the law anymore

and every law student has sweated (until the American Bar Association business machines courses took over the law schools) over these "forms of action".

Indeed, now we have in most constitutions (like California's) a "savings clause" that if there are "technicalities" in the trial that would otherwise warrant a reversal, none will be granted if "on the whole" justice has been done. This, to the formalistic Middle Ages lawyer, would have been complete anathema to his "game of the law".

There was for him the "trial by battle", started by a glove stitched with just so many stitches in just such a pattern, dropped at the foot of the adversary. There were the "neck-saving psalms", i.e., generally, only those in holy orders could read and write during the Middle Ages, and they were immune from punishment. So, if a criminal defendant could read, presto! He was discharged. So a criminal was asked "Legit?" ("read?") and if he answered, parroting a psalm, he was freed. He was assumed, "reading", to be "in Holy Orders".

But he only had one crack at this "coddling of criminals". He was burned in the palm of the hand with a "T". This showed he had "pleaded his clergy" once and didn't have a second technical murder for free. (The "T" stood for Tyburn Tree, the old hanging tree.)

Technicalities were the rule, not the exception. If a jury could argue past midnight, it was discharged. A "hung jury" (disagreeing) meant an acquittal for defendant, since jeopardy. (This is not the rule now). But trial jurors could find themselves tried by a second jury for rendering a "tainted

of all of their lands.

At one time Englishmen refused to be tried by jury. They just refused to plead. The early "rule against self-incrimination" was conversely applied literally to force a plea from a defendant: He was laid on his back and stones put on his middle to a weight that forced him to plead or be crushed to death!

And this modern constitutional privilege, the Fifth Amendment, the right not to incriminate oneself, is another of the "coddling" critics' targets. It has affronted most of us to have seen those billed as gangsters and "hoods" refuse on their television screens to cooperate with the forces of law and order by parroting: "I refuse to testify on the ground that my answer may tend to incriminate or degrade me!"

Of all the "coddling of the accused" complaints, probably the decisions against "unreasonable searches and seizures" (the discovery of contraband by officers without a search warrant, wire-tapping, etc.) are the most criticized by provoked law enforcement officers seeing their otherwise "ironclad" cases tossed out of court. These are the most controversial and least understood of the "protective rights" ("technicalities of the law" -- depending upon which side you're on) by the layman.

The Constitution of the United States provides "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the person or things to be seized." Today,

that's prob[illegible] the most controversial s[illegible]nce in any law book in any Court in America. Each word, each phrase, each comma has it's share of traumatized controversy -- and bloody history.

Where did this Fourth Amendment in our Bill of Rights (the first nine amendments to our Federal Constitution and called the Bill of Rights) come from, what were the causes of and [illegible] trary autocratic central power that it sought to prevent?

It was the practice of British courts in colonial times to issue the notorious "Writs of Assistance": Smuggling, during colonial days, cost the royal treasury considerable revenue and the ruthless writ of assistance was a catch-all device to meet it. It enabled the King's customs men to go ransacking at large through homes and warehouses on fishing expeditions for the contraband. Indeed, James Otis, of Massachusetts, said that this Writ of Assistance was, "the worst instrument of arbitrary power, the most destructive of English liberty, the fundamental principles of law, that ever was found in any English law book". The liberty of the citizens was placed in "the hands of every petty officer".

Because of their bitter experience with these general writs giving officers blanket authority, the framers of the Bill of Rights took care in the Fourth Amendment to prohibit such outrages by their national government. Not only were there to be no "unreasonable" searches and seizures but magistrates were forbidden even to issue search warrants except "upon probable cause" and the warrant must particularly describe "the place to be

searched, the person or things to be seized. There was to be no more random housebreaking.

But, the head of the FBI and law enforcement officers now say there's no more smuggling and no more King's officers about, furthermore, there wasn't wire tapping, fast automobiles and airplanes at the time the Constitution was framed -- "we don't have time now for these procedures".

The "king's officers" undoubtedly said -- "Let us in, we're your friends, you've got nothing to fear if you've got nothing to hide!" That's the argument still being made by law enforcement officers.

But I'm just Victorian (and legal) enough to believe that my home, despite television and Fuller-Brush men and Jehova's Witnesses (who also have a legal right), is still my castle. I ardently subscribe to this philosophy more because of what can happen if the search and seizure rule is indiscriminately violated than in the actual violation of it.

Bobby Kennedy and Mr. Hoover and their strange bedfellows in this instance, the forces to the Far Right, want to tap my telephone. They want to know what I am saying, therefore, what I am thinking. I'm not a criminal (I certainly hope) I've got nothing to hide. I've had everybody in my home from Archbishops, to Mae West, to Mickey Cohen, to law school Deans, Chief Justices, to Errol Flynn and Tony Curtis -- and they've all used my phone (for different reasons, I'm sure). But, once my phone is tapped and someone monitors what I am saying, i.e., what I am thinking, then "someone" will not be satisfied with this exposure of my innermost thoughts, "they" will want to assist me in my thinking, tell me how I should think

If one says this is a non-sequitur, "it would never be done", we can always depend upon our "good police officers", how about those full files and dossiers collected by Mr. Hoover on, he alone knows how many Americans, for whatever purpose he alone knows, should they ever fall into sinister political ambitious hands? Or how about Mr. Hoover's collecting counterpart on the West Coast, Mr. Los Angeles Chief of Police Parker with his full files on all "prominent people of the West"? And finally those "Unter den Linden" and "Kremlin" information procedures necessary in a democracy?

For those who would join me in my Victorian and reactionary concept that my home is my castle, we must further agree that my bathroom is the innermost sanctuary of this castle. But it may come as a surprise to us that many public toilets are "bugged" and have two-way mirrors for spying -- to catch criminals!

Thus, until a recent order by Postmaster General John A. Gronouski, some 5,000 post offices in the United States had John peep-hole surveillance!

Recently, Gronouski said in an interview: "I don't consider that the lookout stations in the restrooms of the post office violate anyone's rights, but I think the washroom lookouts are an unfortunate invasion of privacy. We'll build no more lookout stations in the washrooms and cover up the ones that exist." (Only the inspectors had keys to these washrooms where they could watch unobserved through one-way glass mirrors. The

operation of the work area.)

Further, said Gronouski, "There's a lot of misunderstanding about this. For one thing, inspectors may use these stations for one purpose and for one purpose alone, to investigate stealing from the mails by postal workers. They may not report anything else they see, even loafing or drinking, which are management problems."

Gronouski said (with chivalry) that because of the low percentage of female employees -- "and other reasons" -- the peep-holes never had been used in women's washrooms.

Gronouski said 625 of the nation's 590,000 postal employees were convicted in the last fiscal year for stealing from the mails and that "lookouts were responsible for 73% of the arrests".

Gronouski, defending the peep-and-convict system said adamantly, "People don't seem to realize the tremendous value of what goes through the mails -- some fifty billion in treasury checks annually. We have a tremendous responsibility to uphold the integrity of the mail. This nation ranks far ahead of most in the trust that people place in the mail system." (He didn't state how far behind we must rank in the trust the mail system puts in its own employees).

Said Gronouski, "In one major nation, I won't name, they're having trouble instituting a tax system because people won't send their payments through the mail. We don't have that problem here."

Well, that's one way of looking at it. But I think the good postmaster must have read Britt v. Superior Court (1 Cal. 2d

where the accused was convicted on the sole evidence of a police officer!

After his conviction, the Supreme Court of California let him scott free on a Writ of Prohibition, deciding that his conviction of 288A (bathroom perversion - for our purposes, violated the Fourth and Fourteenth Amendments of the United States Constitution. The police officer testified that on the day of the arrest he was stationed at the Emporium Department Store in a space between the ceiling of the men's restroom and the next floor above. From this vantage he could, by means of two vents, look down into one of four toilet stalls of the room. He even had motion picture equipment and a radio transmitter with him and maintained one-way radio contact with other police and store security officers located in a room a short distance down the hall from the restroom. He took pictures and saw the actual act. There were no warrants issued for searching the premises.

Said Justice Schauer, of the California Supreme Court. "Man's constitutionally protected right of personal privacy, not only abides with him while he is the householder within his own castle, but cloaks him when, as a member of the public, he is temporarily occupying a room -- including a toilet stall -- to the extent that it is offered to the public as private, however, transient, individual use".

So -- "John law may "coddle criminals" but if it did not exist as an adjunct to the admonition against unreasonable search and seizure laws just how much further would the police go to [illegible]

invade the most personal privacy of all of us? (Once they bugged the bedroom of the Speaker of the California Assembly and his wife.)

Of course, there are anomalies in search and seizure decisions because there will always be refined anomalies in the complexities of man's conduct. Try as they will, the modern business-machine law professor and legislator can't categorize our conduct so that it will always be neatly labelled and put up in standardized cans on shelves, or disgorged, like a cigarette machine, spewing out an identical package for an identical coin.

This is what makes judging of humans and the subsequent appeal from a conviction such a difficult task. It's the adage, "Hard cases make bad law". This adage could also be paraphrased that, once a good decision or a good law resolving human conduct, this is no assurance that the holding in that case will be applicable to a slightly different set of circumstances.

So, we come upon one case in which a suspected narcotics violator attempted to hide his bindle of opium by swallowing it. The zealous police officer, without warrant, promptly "searched and seized" the bindle by forcefully pumping the suspect's stomach. The United States Supreme Court held this was an invalid "search and seizure". It affronted human dignity (as well as traumatizing the suspect's gastrointestinal tract). The conviction was reversed.

But then, about the same time, another suspect in California, in fear of apprehension by the police, secreted a bindle of narcotics in his lower colon by rectal insertion. The increased

California police "searched and seized" this birdie. Said the [illegible] affronted California Supreme Court, "this is a valid search and seizure". The conviction was affirmed.

A comparison of these two decisions caused even [illegible] great admirer of constitutional law as the late Dean of Hastings Law School, David E. Snodgrass, to comment that, "Apparently constitutionality depends upon which end of the alimentary tract one starts operating!"

We also have it that land outside the curtilage of the dwelling is not covered by the search and seizure amendment's protection, nor are buildings detached from a residential structure. The police may seize and convict me of possession of lottery tickets hidden in an outdoor John, seized without a warrant. But if I were to have hidden them in my John indoors, my conviction would be reversed, not because I was innocent, but because it was an invalid "search and seizure".

The protection does extend, however, to business premises. But "house" is not a public jail. Therefore, there is no protection for search and seizure of an inmate in the latter. A "house" does include a business office, a store, a hotel room, an apartment, an automobile, an occupied taxicab, even a vacant house. But it is not an invalid search to observe that which occurs openly in a public place and which is fully disclosed to visual observation.

Property put in a trash barrel is "abandoned" and the constitutional privilege does not extend to its seizure as "effects" of the defendant.

But an anonymous tip is no basis for an arrest or a search under Amendment IV, even though the search does turn up contraband. The contraband cannot be introduced into evidence. If a policeman gains entrance to one's home by artifice or force, his entry violates the Amendment and contraband that is turned up cannot not be used in evidence. "Exploratory searches" by a police officer without specific objects in mind are invalid regardless of what is found. Suspicion is insufficient to validate a search without a valid warrant. But a search may be made when incident to a lawful arrest: Not before arrest. The search of a speeder's car without a warrant cannot turn up evidence for other crimes when the defendant was only stopped for speeding.

And those seeming inconsistencies in the interpretation of Amendment IV are by no means concluded. There's a basic philosophy that runs through them, the same protection of the rights orties that came only after we had Amendment IV, not before. And now the trend is that evidence illegally obtained by state officers cannot be used in state courts any more than that illegally obtained by federal officers in federal courts.

There is a requirement that as soon after arrest as is reasonably possible, an accused must be "arraigned", or confronted with a formal accusation of his crime. Law enforcement agencies would change this rule. Why? Surely they cannot argue that they need time to decide what accusation to make against the arrested man. Even assuming the arrested man is guilty, there is no justification for delaying his arraignment. There will be plenty of time to check his other crimes, if any, after arraignme

To torture him before with the suspense of not knowing what he faces and what he is accused of returns us to that sinister early time in our law when a man could be secretly accused, secretly confined.

What is really at stake is that at his arraignment the accused will be advised of his right to counsel and his right to remain silent. He will be warned that any statement he makes will be used against him. Thus, after arraignment, police will find it more difficult to extract a confession. So there is nothing confusing, sinister, mysterious, or coddling at all about the prompt arraignment rule; the police know very well when they have held a man too long without having had him arraigned (being brought before a judge.)

When they extract a confession during a period of illegal confinement before arraignment, they take the calculated risk that any conviction, tainted with that confession may be reversed. For the police to cry "coddling criminals"! when this risk materializes is poor sportsmanship -- if they would make of law a game.

The police know that the closer the time to the alleged crime, at which the suspect is interrogated, the better, more truthful are the answers. Indeed, the law says, there is a "res gestae", the emotional period close to the event in which a man spontaneously spills forth his mental state to give verbal cognizance to what he did. As seconds, minutes, hours, days, go on, repeatedly to confront and cajole, with or without a subtle or brutal third degree, is to obviate the prompt arraignment rule.

Fatigue, fear, motive, desire to please the police, make for the distorted confession.

But even at the other end, the closer to the snap, there is respectable authority which says that the suspect [illegible] "ulate" (fill in with what he's been told -- like parroting back from the unconscious state what the police had told him. Ruby did this).

This brings up another constitutional problem [illegible] from settled, at just what stage of the criminal "proceedings" is an accused entitled to a lawyer? Since 1873 (all our rights don't go back to Magna Carta by any means, as we have seen), an accused was supposed to have a lawyer as a matter of right. But it wasn't until 1964, that he got one in misdemeanor cases, as distinguished from felonies. That is the now-famous Gideon case, which will give more work to criminal lawyers than otherwise did to surgeons.

But the law enforcement officers say, reluctantly admitting the rule of prompt arraignment and the right to a lawyer, there is no practical way of advising a suspect "when the investigation fastens upon him specifically" (as one court said they had to do), that he is entitled to a lawyer. Since, as we have seen, our emotions, our conduct, don't come in pints and quarts and yards, our court decisions which analyze, regulate, deter and punish our emotions and conduct cannot be mathematically categorized either. So much of law is a question of degree. This, again, is just another way of saying that our conduct is varied, flexible, capricious, compounded, and complex.

We say it's a very simple thing for a police officer to be invited into a home or to get a search warrant on probable cause and under oath. But the officer says "We don't have time".

What of the man with the mask leaving the second story window, having burglar's tools in his pocket and a bag of [illegible] over his shoulder? If he has one foot over the window sill, must the policeman first say "Don't say anything, it may be used against you. Do you want a lawyer"? And if the suspect (upon whom the "investigation has become fastened") says he does "want a lawyer", must the policeman then keep him in that position until he goes back to the squad car and gets the Public Defender, who will have to ride in every police prowl car?

Of course, not. But, in the Ruby case, where Jack was roundly interrogated a half hour after he was taken into custody by police officers, and in the jail, despite the Texas admonition that he must be warned of his right to remain silent and be given counsel if he desires, his constitutional rights were plainly violated. And so were Lee Harvey Oswald's for that matter.

It wasn't for some twelve hours that it occurred to the police to warn Oswald and provide him with a lawyer, and, when he was provided with a lawyer, the President of the Dallas Bar Association, a civil lawyer who makes no pretence of trial work in criminal cases, announced, after his interview with Oswald, to the effect that Oswald was "perfectly normal", thus effectively destroying the lawyer-client privilege.

And this privilege is another "coddling".

one believes that what is told by penitent to priest or from patient to doctor should be divulged. I've always felt in this life its quite necessary that there should be someone sometime beside an accused, or even an afflicted (the guilty) who should share the burden without fear that what is said could be pried from [illegible] lips. But then I also feel that even a guilty person is entitled to a lawyer, and, in most instances, much more in need of [illegible] than an innocent one, but this latter not for the reason that most law enforcement officers would insist. There is much more to be said for a guilty person, and there is always much more than should be said. No one so guilty but that <u>something</u> cannot be said in some expiation of his sins. That is the lawyer's duty. That's one of the reasons for right to counsel for all of us.

Then there is the "coddling" of "hearsay".

"Why can't I say on the witness stand what someone told me?"

This is a favorite "technicality" finger-pointed by the layman who declaims with Dickens, "The law's an ass!"

Principally, you can't say what "someone told me" because I'd have no way of cross-examining that "someone" who "told you" this. I would have no right of <u>confronting</u> this vicarious accuser of even knowing who he is; I'd have no way of letting the jury see him and hearing his <u>whole</u> story after cross-examination. Is this a good rule, or does it coddle criminals? It's a good rule unless you like gossip and second and third-hand evidence and [illegible] who generally fade when called upon to make a direct [illegible]

In the law of almost every civilized society, there is a procedure that outlaws stale prosecutions, the statute of limitations. (But every one of these systems excepts the most serious crimes, murder, treason, and other serious felonies from outlawing as long as the offender lives. These statutes of limitation are likewise tolled while the defendant is out of the jurisdiction or in hiding). Even in the recent German War Crime Trials, there was a provision for a statute of limitations.

Is this a coddling, or making of law a game like the old sanctuary chair in the Middle Ages where, if an accused entered the Church through a sanctuary door and went to the sanctuary chair then followed a prescribed procedure of putting on certain clothes and going by a defined route to the nearest sea coast, he could not be apprehended?

Not at all. In our human society, in which our most human attribute is to err, there is neither perfection in our laws or the people they govern. But we do strive for certainty (this may be the forgiveness under another guise). This is best manifested in the statute of limitations over on the civil side. If a suit isn't prosecuted within a year, two years, three years, depending upon the type of suit and the state (they all vary), then no matter how valid the suit, it is forever barred. The reason for turning down most of the cases I've had to refuse on the civil side in my office are because they have been overborne by the statute of limitations -- and I've seen how terrified by insurance companies over this "loophole" law.

I suppose the highest indication of our coddling criminals would be prison reforms in the shape of marital visits, psychiatric and work therapy, radio, TV and athletic contests.

Our prisons are the most brutal in the world. Not necessarily corporally but physically. Our prisoners have had more from the outside world. When they are confined, they miss more.

In America, prison terms are longer, executions more drawn out and agonizing and the wrath of the law generally more terrifying than in any other civilized country. It took us some twelve years to wreck our civic vengence on a human being caged like a rat in a trap, Caryl Chessman at San Quentin. This unique "coddling" was hardly understood by those who sent California's blood Governor Pat Brown the thousands and thousands of criticizing cablegrams from throughout the world.

Chessman's big crime was to affront the dignity of the great State of California by showing he'd been denied due process, i.e., the drunken court reporter hadn't prepared proper notes of his trial. We put him into the gas chamber to prove that we were a lawful state somewhat in the manner of Dallas proving their respect for law and order by sentencing Jack Ruby to their public abattoir.

Against the spectre of a million Americans reveling in yesterday's execution over their morning orange juice, the claim that we coddle our criminals is not only blatantly false, it is bizarre.

examined and heard a prisoner [illegible] years ago, and found them the best in the world, not because of their theory, but because they treated their prisoners as "sick persons". This isn't a maudlin observation, nor do the Russians do this from any altruism or greater love of their fellow man. They regard a convicted criminal somewhat as a broken wheel on one of their machines of production, and the faster they get him "repaired" and back to work, the faster there is more production for their economy. So they put a psychiatrist to every dozen prisoners or so (compare the State of Nevada, where there are ____ psychiatrists for ____ prisoners).

The Russians allow wives and children to visit prisoners and share connubial rights on weekends as a reward for good behavior. Prisoners are paid wages. They may send money home. When their sentence is up, the prisoner is sent home, as a truly rehabilitated, re-educated and not vengeful man. No one in the community to which he returns treats him as a criminal. They are treated as people who have been sick and been away and returned to society as again normal human beings. Their recividicism rate is much lower than ours.

Just the other day, the Marin County, California, Grand Jury voted that San Quentin Prison, the largest prison in the world be moved to some other community. The reason given was that there were "too many stabbings" in the prison, too much time was being spent by the Marin County District Attorney over crimes in the prison.

A grand juror reported in the San Francisco Chronicle that San Quentin land was too valuable for a prison. I wrote prisoners are too valuable for San Quentin. They are still human beings, and, if they are going to return to society, they must be treated as such, even "coddled", or [illegible] even a policeman should be able to understand, they will return and cause more crime.

I suppose it's about time for me to say whether I believe there is crime in the United States, whether it is increasing, and whether there are "international crime rings".

As a trial lawyer of some thirty years, I am neither naive nor unknowledgeable in crime, criminals, or criminal statistics. To me, calling criminal syndicates, which do exist, by any ethnic names, doesn't make them more or less or ominous. It begs the valid complaint from every country in the world that crime is increasing in that country -- and not due to constitutional safeguards which some of these countries don't have.

As a defense criminal lawyer, I am just as patriotic (perhaps more so for my Constitutional stand) as the policeman on my beat. I deplore crime as much as he, although I suppose it could in one sense be said crime is my livlihood. (Then, too, automobile accidents are my livlihood, and I could never be accused of wishing one would happen).

I can tell you just as dramatically as Mr. Hoover of the existence of arrogant, brutal, villainous, unscrupulous, inhuman crime rings and criminals in the United States today.

Just last week, an 18-year old girl, still beautiful though she had been, in her short teen lifetime, a dope addict, a prostitute, and a madam came into my office to tell me of [illegible] girlfriends, they both in their teens, [illegible] the underworld because they had "[illegible]".

She said she could go free if she would tell the police the names they wanted to know. She couldn't. She was afraid she, too, would be killed. After I had cross-examined her and had been told with book, verse, page, number and bullet hole, I was [illegible] had that "coddling" privilege against having to divulge any information that my client had told me.

I was even more shocked than my police friends would have been to have heard what I did, but I wouldn't give up one "constitutional coddling" to bring these men to justice, though some of these "overlords of vice" are the very ones Mr. Hoover writes of knowing and being able to do nothing about them. As a trial lawyer, my revulsion that these men are walking our streets can't be assuaged by a policeman's claim, that the "technicalities of the law" prevent him from cleaning up what he already knows when he tells us who, what, and how they are. He knows much more than this girl and I.

Edgar Hoover and most of these very vocal law enforcement officers who complain of criminal coddling and describe how difficult is their task of convicting criminals, in the same breath write books and give speeches naming names, places, people and evidence. How is it that so many criminals and their crimes

and their evidence is known to them, yet they are not apprehended or molested or convicted?

I cannot believe that our law of evidence is so "technical" that convictions could not be secured when Mr. Hoover can [illegible] fically detail the criminal evidence at his command. Is it that there is a vast overlordship of crime in the United States not necessarily in Costa Nostra or Mafia or other equally sinister-sounding names, but an informed political overlordship that does [illegible] senators and congressmen and legislators and governors so that they, in turn, control Mr. Hoover from making his arrests and prosecutions, he only going after his quota to keep the "law-abiding people" happy? If this is so, why doesn't Mr. Hoover, fearless man that he is, speak out against those politicians who control him, who really are worse than a Mafia, a Cosa Nostra, and the organized criminals whom he repeatedly describes?

Surely, a reclamation of wire-tapping, the removal of limitations, hearsay, "search and seizure" and those other "technical" rules of law, wouldn't change the basic morality of the political control -- if such exists?

Really, today, law enforcement officers have a more minute scrutiny and control over every one of us without unreasonable search and seizure than at any time in man's history. Once upon a time, everyone in England was enrolled into his respective Hundred (litterally a group of 100 people). Each of the Hundred was his brother's keeper, because if anyone in the Hundred committed a criminal act, this criminal not "fessing up", all [illegible] had to pay.

position, not necessarily individual vengeance, was the rule, and, indeed, this cultural pattern is the law in many primitive and some Oriental societies even today, where, if a depredation is done in the village, if the offender does not come forth, the whole village is punished. The Englishman, like the Norse of the Hundred, did not roam from his village. He was catalogued and categorized and numbered as though in a prison populace without walls.

But today, we, all of us in the United States, live in a rather expanded Hundred. We, too, are all catalogued and categorized as never before, from birth to grave. There are birth registrations, school registrations, marriage registrations, and death registrations, and in between there is the "enrollment" into the modern Hundred by means of a Social Security number, the Army serial number, the driver's license, voter's registration, Blue Cross insurance, fingerprinting for specialized jobs, cataloguing for Federal and State income tax, pensions, insurance.

He's a mighty sick bloodhound who can't track one of us, enrolled as we are in this Hundred, leaving tracks as pronounced as a bleeding black bear in the snow. We can't hide in a neighboring state because there is extradition, and we can't move about without some sort of automobile license, a personal license, a job license, a registration license. We could go to Brazil, but their glutenous habit of charging expatriates five dollars for a loaf of bread is discouraging to permanent residence.

I really don't believe we are "coddling criminals".

I think that the FBI and the police have more going for them by way of science, forensic medicine, communications, the "enrollment" in the Hundred, than ever before in man's history.

Our real problems are in the preservation of human rights of our individuality.

It is not so much that the police want to convict the criminals for rape, robbery, and murder that bothers me, it is the multiplication of and the desire to convict for the more and more crimes -- the malum prohibitum as against the malum in se.

To do this, they must categorize and uniformize and make us lose our individuality even further. There are more crimes on the books than ever before. There are more being made every new legislative day, and indiscriminate wire and phone tapping, search and seizure, violation of our privacies would be Big Brother's best weapons.

The "conservatives", who would police-state us by revolving our coddling constitutional guarantees ironically do so under the guise of protecting our properties and individual liberties. They go under the guise of individualism, that is, the type of individualism that says you have the God-given individual "right" to starve, you've got the God-given "right" to take care of yourself and, if you don't then you've got the God-given right to reap in your old age the foolishness of your youth!

I said in DALLAS JUSTICE:

"The testimonial credibility of policemen on the witness stand, I am convinced, often stems from the belief by the[ir]

law-abiding hearts that they are serving a higher truth. Practically, they know a lot about the rules of evidence. They know a lot about the case in which they are testifying that cannot be brought out in Court. They are convinced -- it is part of being a cop -- that the reason the defendant is shifty under [illegible] the law, their part of the law, has done its job, and that the job of the judge and jury is to provide a quick, questionless conviction and sentence. The presumption of innocence is for lawyers, not for cops. The man must be guilty, they think, or else why is he on trial?

"And so, sometimes, they convince themselves that a modicum of truth-stretching on their part could achieve the desirable end that strict adherence to the rules of evidence could not.

"Moreover, there is the psychological truth that if you want hard enough to believe something, you can make yourself think it is indeed so. Officer Law knows that defendant X said something and he realizes that if the words were so-and-so, they would help convict X. It is not too difficult to convince himself that X's words must have been the convicting kind of words and so testify to them in thoroughly good conscience.

"It is a good thing, Patrolman Law tells himself, to lock up bad people. If the legal and constitutional niceties of the situation preclude that, it should be an equally good thing to bend the rules a bit. This is the sort of thinking behind the police cries for wide wire tapping powers, for the right to hold prisoners incommunicado for long periods before they are brought

up for arraignment, for much of the night ving tail. that poli[illegible] cally supports proposals to ease the constitutional guarantees of due process and against arbitrary search and seizure.

"Although I deplore the practice, I am willing to be charitable in my assessment of the motivation that prompts [illegible] ment to see things the way they do".

I know that every police department, federal, state and county and city, practices a number of illegal procedures which result in conviction. These procedures, as well as the convictions are illegal. How many innocent men are convicted? I don't know. But I know that some of us, accused, who are innocent, are convicted when our constitutional safeguards are abandoned.

One of these cute little despicable gimmicks you don't hear about from those who say we're "coddling criminals" is the "hold".

An accused is arrested and, to prevent the normal procedures of arraignment, bail, early trial, and release, "hold for Sacramento" or "hold for St. Louis" is placed against him. This real, or, more often, suppositious "wanted" by another police department practically and effectively violates all of the constitutional rights of the accused because judges are loathe to allow the man out on bail and the timid lawyer (of whom there are, unfortunately, many) as well as a police-minded judge, keep the accused in jail until they sweat out of him what they want to hear what they think he did.

Another illegal procedure is the "roust". [illegible] police operate on the undeniable statistic that most [illegible]

committed by repeaters (from our "revolving" prisons). So the "repeater", be he on parole or probation, is "roasted". His constitutional rights are sketchily preserved, and he's the last one in the world to clamor for them, feeling, as a practical matter, he may "affront" those who affront him by denying him these [illegible] constitutional rights.

If he is on parole, his constitutional rights are half yours and mine because by a legal fiction he is regarded [illegible] in "constructive prison" during his parole, and he has to submit to interrogation, search and seizure, or back he may go as a [illegible] violator. The "presumption of innocence" with these once-convicted is a travesty. It is the French presumption of guilt without the safeguards of that great legal system. He, unlike the released Russian prisoner who has paid his social debt in full, return to the human race. In our democracy he lives in the same kind of police state we had before our constitutional guarantees were written -- they don't apply to him!

Let yourself once be embroiled with the law and forever more are you a second-class constitutional citizen with the "Oh he's got a record". Further, while under our law, every man convicted of a felony is presumed to be innocent, there is that rule of evidence that he may be "impeached", if he testifies, by showing he has been convicted of a felony. This amounts to nothing more, practically, than a conviction based on the probability that because he did it once before, he has done it again! For the "average", by statistics (i.e., recidivism), this may [illegible]

what of the individual? He's the you and me accused that we are all concerned with. Our law isn't collective justice, it's individual justice.

Then, there is the "informer". He is the worst of all. He revolts us because he is out to save his hide at the [illegible] of his brother's, or he's out for Judas money alone. But, to take him in context, to give this devil his due, we've seen how necessary spying is (or, at least, so we have been told) in international law. I suppose if international spying is necessary then this dirty business is just as necessary domestically -- but it doesn't make it any less dirty.

One of the particular complaints of the police is that under our coddling constitutional guarantees, the accused has the right to know and face his accuser. He has the right to cross-examine him. But once this is done with an informer, the informer loses his effectiveness. He can no longer be duplicitous when both his faces are known to the underworld.

To preserve this constitutional guarantee of confrontation, ancient law was dug up in a recent spy case tried in Federal Court in New York that the accused had the right not only to see and hear witnesses against him, but to know their addresses as well. The FBI had to concur with the United States Attorney and Federal Judge to dismiss a prosecution rather than give up this information and disclose the name of a valuable spy. The accused spies against the security of the United States went scot-free. It was felt that it was better to abandon the prosecution than to

give up the usefulness of these valuable [illegible] spies.

Coddling?

A similar problem was apparently successfully solved on the civil side where there are no such constitutional guarantees. Suit against a manufacturer of a secret weapon which was defective and killed an airman. Suit for wrongful death brought by the widow. The Government intervened and claimed that to allow the manufacturer to testify would give "secrets to the enemy" by publicity. It was resolved that the Federal Judge should be the one to determine whether the Government's claim of "secret process", and if he determined that the Government's claim was true, then the suit would have to be abandoned. This might also sue for property, i.e., "wrongful death", damage on the civil side can be lost just as a prosecution can be lost on the criminal side, the one to protect the individual, the other to protect the Government.

A dictatorship probably can operate more efficiently than a bumbling democracy, capitalism. But I suppose it's just that "bumbling" that coddling constitutional guarantees protect. And, in my thirty years of civil and criminal trial practice, proportionately few were the guilty that I've seen go free, particularly in the Federal Courts, where the prosecution was aided by the FBI (they brag of a record of ninety percent convictions of those indicted).

Is it that we contrive to look our very worst if the b[illegible] cases that makes the layman listen to the over-zealous politician who would change our system? The criticisms in the Rob[illegible] Scottsboro, the Sacco-Vanzetti, and such cases, are [illegible]

daily justice. If one will pop into any of our courts, trying the day-to-day case, civil or criminal; he will find that the law's not "an ass".

He will no longer find instances of lawyers badgering witnesses, demanding a "yes" or "no" answer. That wouldn't be tolerated by the modern trial judge. The witness who wants to "tell his whole story" does get a chance to do so -- if it is relevant, if it's competent, if it's material. And if it's not, and the judge so rules, you, as an impartial observer I am sure will understand why and what that often slurred phrase "incompetent, irrelevant, immaterial" really means. I am sure that coerced and seizure evidence illegally obtained will affront you, as will hearsay, the common scolds' gossip.

As science advances, there is more perfect medicine, more perfect engineering, more accurate astronomy, even more accurate drilling for oil and more pinpointing and discovery of the early developing tumor.

Are we getting more "accurate" justice?

In proportion to the "sciences", no, because law is no more a "science" than is human living. Law is a "discipline", or a "profession". To err is human, and as long as we have humanity we will have this probably desirable attribute. Common law is customary law. All the sciences in the history of the world can be raked up in the ashes of the law.

Indeed, in law we don't want to become more scientific. We don't want to be uniformized or UNIVAC-ized. This was the pre-

of the complaints whether they (or the authorities) knew it or not, of the students at the University of California. This is also the gravamen, although probably unspoken, of the complaints against the police, who would further categorize and uniformize and enroll us into a modern-day Hundred.

Probably the best way to achieve the policeman's goal of less crime and criminals, is to do more "coddling" of criminals after they have become criminals. Rather than cut down the number of parolees and probationers, there should be more, but with a corresponding increase of probation and parole officers for supervision.

More scrutiny of the mental aberrations of those in trouble when first they get into trouble will prevent the crimes of the Oswalds. Some of these, I'd be the first to admit are the incurables -- that is by today's medical help.

That an Oswald went through a Marine Corps examination is only further proof of the fact our neighbor notes in saying of someone he thought he knew when first reading of this friend's falling out with the law, "I thought I knew Jam. I didn't think he could do a thing like that".

There is the tragic case of the beautiful American ski champion who was horribly killed, mutilated, and dismembered by a _____ year old boy in Reno, Nevada.

He'd had a criminal record in Utah and later in Nevada. Both records showed that he would kill and kill again, but we, because we don't want to coddle criminals, just didn't [illegible]

the funds to provide with adequate panels of the probation and to investigate with psychiatric officers such men as he, who, unless they are going to be put to death, God forbid, or kept permanently in prison, eventually are kicked out of an already [illegible] prison to rejoin society.

First, we don't give [illegible] Then we make them revengeful and vicious. Eventually, when they come out, we force them to fend on their pauperized own.

One "reform" I would agree to but which seems difficult under present constitutional, both State and Federal, provisions is equal "discovery", that is, the right to learn...of both sides of the law suit to have pretrial factual knowledge of the other side's case.

I believe that this "discovery" should be bilateral and equal and fair to both sides. I believe the criminal accused should give the state a psychiatric examination upon demand, just as in civil cases, the personal injury plaintiff must, in the better state's jurisprudence, give a physical examination to a doctor of the defendant insurance company's own choosing.

Though some trial and appellate courts have skirted with and admitted it for limited purposes, there is no court in the United States which has yet allowed "truth serum" results in court for all purposes. (One of Earle Stanley Gardner's men and I did save three men in condemned row in San Quentin -- People v. Rocoto -- on a writ of coram nobis in 1964 to the California Supreme Court in which we used truth serum on a complaining witness).

serum and by hooks and the other like mental inquiry procedures, apparently frequently used by some foreign police, have never reached scientific accuracy to allow their use in this country.

But Francis Camps, England's great forensic pathologist, once said to me:

"I'd rather see a drop of a witness's urine than hear his on-oath testimony all day. I could depend more on my laboratory tests on the former, but I have no scientific way of testing the latter!"

But, over on the civil side, in the paternity cases many states ruled and still rule against putative child parent blood grouping tests in the face of now almost 100 percent scientific accuracy in ruling out certain "fathers".

And how about our jurors? I can truthfully say I have never seen a jury (and this includes the Ruby jury -- my words) consciously try to render an improper verdict.

Sure, they do err because they are human but our experience with intelligence tests for jurors and blue ribbons juries, hasn't given us a better brand of justice. It's given us a type of "justice" less objective and more desired by those who set up the intelligence tests and those who selected the blue stockings.

As long as Joe Smith and Henry Brown and William Johnson III, all vote for the President of the United States, the Governor and the Mayor, then they, with their idiosyncracies, their foibles, their emotions, their knowledge and their lack of knowledge should vote on my life, liberty and pursuit of happiness.

A jury is a microcosm of a city, its collective morals and standards for individual justice.

In picking the Ruby jury, for the first time, I offered to use Rorschak (psychiatric ink blot tests) cards. My offer was refused. What I was attempting in this unusual case was to exclude those who had unconscious feelings against Jack and felt that a verdict of execution could exculpate Dollar Dallas.

But it's not all Birchers and the Righters and prosecutormen who ask for a revision of our criminal laws to prevent bookling criminals, a national police force, wire-tapping. There are the Leftist Negro leaders who are pressing for an FBI which, from Washington, can take over part of the job of the local police in the South. And there are other reform groups, dissatisfied with local police action, not enthusiastic enough for their own special interests, who also want a national system of police.

The FBI already has a budget of some $150,000,000 a year with over 14,000 employees, 6,000 special agents, and 3,000 clerks. It has field offices in 55 cities and resident agents in 500 other towns and cities.

History shows deep-seated abuses in nations where national police systems have operated (with, of course, the dossiers on "prominent citizens") under political control of central governments. Examples include the terrorism of Hitler's Gestapo, the atrocities of the Soviet Secret Police, the reign of terror in Cuba under both Castro and Batista, a state with a strong national police (by way of understatement) only 90 miles from the United

States.

During the 1962 confrontation between the late President Kennedy and the steel industry over a boost in steel prices, the Kennedy Administration went further than any previous Administration in using the FBI as a national police arm. There are many complaints alleging misuse of federal authority in collective bargaining and in other fiscal and economic matters to compel individuals to bow to the will of the central government.

All pure food and drug inspectors carry a wire recorder with them when they walk into your factory.

There are cute gimmick laws to avoid constitutional problems such as the law providing that a motorist gives "implied consent" to chemical intoxication tests when he applies for his driver's license. The effect: Mandatory blood alcohol tests for drunk driving suspects. This measure, sponsored by the National Traffic Safety Association, has been defeated previously by the California Legislature. It's up again. It would probably successfully circumvent the fourth amendment.

Far more effective, if we could ever manage it, would be the education of all drivers that drunk driving is kid stuff -- don't do it! And so with Las Vegas. All law enforcers tell us it's an evil place. Hoodlums control its pretty shows and prettier girls, its gaming and also its dopeland murders. But this most of us already know. Yet we still gaily go there. We're a lawful but lawless people. But we also once had a flag with a rattlesnake emblem and the motto "Don't tread on me". That was

about the [illegible] we were writing these [illegible] constitutional guarantees.

Mr. Justice Brennan, recently referred to the apparent failure of many Americans, especially the young generation, to understand the value and importance of their constitutional liberties. (He referred to a recent study made at Purdue University of high school students. More than a third of those polled, for example, did not object to third-degree methods used by the police).

The Justice believed that public understanding is essential to assure official observance of individual rights (as in controlling crime). "As the power of government expands, so do opportunities for official abuse of that power multiply. Those who would wield the power are not sensitive to the guarantees of individual liberty the likelihood of official lawlessness cannot help but increase".

During recent years, the highest court in our land, the Supreme Court of the United States, has devoted much of its time to the lowliest of details concerning the least of our citizens, a misdemeanor offender, a hopelessly recidivist narcotics addict. But while seemingly this highest Court has wasted its time on the minutiae of errant conduct of those of the least of us, it really has been fulfilling its highest duty of a highest court in a democracy in vicariously protecting the individual personal rights of all of us. (Property rights have come second).

Paralleling the growth of federalism and the potential of a police state with better communications, i.e., [illegible] type, central fingerprinting, forensic laboratories, [illegible] photos, police radios, all of which have potentials to transgress

individual freedoms, the Supreme Court has been zealous to protect those accused of crime, we who are presumed to be innocent.

The Federal Bureau of Investigation and other agencies of the national government have lived with the exclusionary rule (evidence that is illegally obtained is inadmissible) for fifty years without noticeable impairment of their effectiveness. And this was long before they had automobile, radio, and national bureau of identification, instant fingerprinting to any spot in the United States, and Mr. Hoover's national school for police officers.

FBI Director Hoover in Chicago on November 24, 19[illegible], said (of his famous target -- and I don't for the minute deny the existence of the danger) "The Communists cry Liberty when really they mean license. Justice has nothing to do with expediency. It has nothing to do with temporary standards...the FBI will continue to be objective...regardless of pressure groups which seek to use the FBI to attain their own selfish aims to the detriment of our people as a whole".

These sentiments I would like to believe of the FBI, and all others who'd change our "coddling laws". But to insure justice, let's wish the same of the United Supreme Court and all other courts in this great land of ours.

6/12/67

AIRTEL

TO: DIRECTOR, FBI

FROM: SAC, NEW YORK (66-3476)

SUBJECT: THE ALLEN BURKE SHOW
WNEW-TV
CHANNEL 5
NEW YORK, NEW YORK;
MELVIN BELLI

On 6/10/67, MELVIN BELLI, Attorney, San Francisco, was guest on The Allen Burke Show. During their conversation, BELLI referred to the Director as being "dictatorial." Mr. BURKE stopped him at once and stated he wanted to know what he meant by this statement. BELLI stated that quoting from FRED J. COOK's book that Agents before they met the Director must wash their hands so that they would not be clammy and dress in a certain way. Mr. BURKE stated that he saw nothing wrong with this as all big corporations wanted their people to dress and look well at all times, especially when they were to meet with the president of their company.

At another point, BELLI stated he did not think it was right for Mr. HOOVER to use commencements to criticize the Supreme Court about the ESPOSITO case. BURKE defended the Director and stated that this country was founded on dissension and he saw nothing wrong in Mr. HOOVER doing this if in fact he did it.

[redacted]

610

(3) - Bureau
1 - New York

TJH:pab
(5)

105-49825-

NOT RECORDED
126 JUL 11 1967

ORIGINAL DIRECTOR

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6-19-80 BY SP2 TMP

12 JUL 19 1967

[redacted]

PERSONAL

[redacted]

b7(C) b7(D)

[redacted]

In [redacted]

Sincerely yours,

105-49965 —

J. Edgar Hoover

MAILED 5
JUN 19 1967
COMM-FBI

NOT RECORDED
126 JUN 19 1967

JUN 19 1967

1 - [redacted]
Reurlet 6-8-67
1 - San Francisco

Re [redacted] letter 6-8-67, captioned "Melvin M. Belli."

NOTE: Bufiles reflect [redacted] has supported the Bureau and the Director [redacted] The Director last wrote to him on 5-10-66.

The transcript entitled "Are Our Courts Coddling Crim... (No, They're Protecting the Accused)" written by Melvin M. Be...

JH:kd (5)

Note Continued on Next Page

ALL INFORMATION CONTAINED
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DATE 6-18-80 BY

56 JUN 27 1967
MAIL ROOM TYPE UNIT

ORIGINAL FILED IN

[redacted] b7C

NOTE CONTINUED:
typical of the nonsense which has been perpetrated by the opportunist Belli. The transcript begins with the words, "I don't like Edgar Hoov" and continues what must be described as an outrageous attack upon the Director and the Bureau. Belli supports the Supreme Court on the ba the "loopholes" in the law protect citizens against invasions of human rights. There follows a contrived discussion which enumerates abuse and infringements upon the rights of individuals. One page 11 he refe to "Bobby Kennedy and Mr. Hoover and their strange bedfellows" as eager to tap his telephone. It is his opinion information collected by telephone tapping could be used for sinister purposes. In the discussi that follows he touches upon questions involving legal search and seizu and concludes the Fourth Amendment to the Constitution must not be violated. It appears to be his contention that there is no such thing as coddling of criminals, although he is hard pressed to substantiate this view. He discusses Russian prisons, the Costa Nostra and othe topics in an attempt to make his case convincing. On pages 26 and 27 Belli makes the preposterous charge that the Director and other law enforcement officials prosecute only a given quota to satisfy the law-abiding population. His comments are highly repetitious and all to the point that there is no coddling of criminals by the courts. On page 30 the budget of the Bureau is quoted for the previous year and the total number of employees is listed. On page 40 Belli says the Kennedy Administration used the FBI as a "national police arm." He concludes his remarks on page 42 by misquoting the Director whose actual remarks were delivered in Chicago on 11-24-64 as follows: "They cry liberty when they really mean license!" The other comments are substantially correct as they appear in the Director's speech "Time for Decision." On the same page he seems to be saying the Bureau can perform its duties within the present framework of decisions rendered by the Supreme Court.

FBI

Date: 9/18/67

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL (Priority or Method of Mailing)

TO : DIRECTOR, FBI

FROM : LEGAT, BONN (80-13) (RUC)

SUBJECT: MELVIN BELLI
RESEARCH (CRIME RECORDS)

Re Bonn cables 9/15/67.

Enclosed is the tape of that portion of the Armed Forces Radio Network newscast delivered at 10:00 P.M. (Bonn time) on 9/14/67 concerning subject. The tape is recorded at 7½ I.P.S., four track. There is some "garbage" at the beginning of the tape recorded at a different speed.

Pertinent portion of the tape is as follows:

Announcer: "As the President backed local law enforcers, noted attorney MELVIN BELLI was tearing into the nation's Number One law enforcement officer, FBI Director J. EDGAR HOOVER.

"BELLI, who once defended JACK RUBY, was in Frankfurt, West Germany, today when he questioned HOOVER's initiative against organized crime. . . .

ENCLOSURE 105-49865-41

3 - Bureau (Enc. 1) REC-106 1014
(1 - Liaison)
1 - Bonn

22 SEP 21 1967

JCFM:il
(4) "ENCLOSURE ON BULKY RAMP"
50-10-1-67

C. C. Bishop
Approved: Special Agent in Charge

70 OCT

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 6-13-90 BY SP1 M. Peterson

"I've heard this guy at commencement addresses snidely take on the United States Supreme Court. I've read his books, and he can name, and he does and, if he doesn't, all he has to do is pick up the green felt jungle or any AP or UPI dispatch, and they will name who are vice overlords; they'll name who is bringing in the dope and all the rest of that.

"We don't need any laws other than we have to prosecute them. We don't need a liberalizing of our laws to prosecute 'em. They're all amenable to prosecution right now and HOOVER knows who they are, and the question I put is why aren't they prosecuted when he puts his finger on 'em at Graduation Day Exercises, when he writes books about them, when he talks about them. Is it that he's got some deal with the local politicians? Is it a sort of a thing -- Look, this is sacred ground. This Senator has gotten campaign contributions from this group of people, or this is a way of life in our State that don't touch it.

"HOOVER says, 'Look, I want to go in there. These guys are getting by literally with murder. Why can't I go in there?' No, that's hallowed ground. You can do everything else. You're doing a fine job, old boy, but get in there. Now, is it something like that? It is something! I don't know what it is, but it is something, 'cuz he knows who they are, he has the machinery to prosecute 'em, he can prosecute 'em. Why does he complain about them and not prosecute 'em? I don't know."

* * * * *

Announcer: "The King of Torts, Attorney MELVIN BELLI"

DECODED COPY

☐ AIRGRAM ☒ CABLEGRAM ☐ RADIO ☐ TELETYPE

STATE Ø6

URGENT 9-15-67

TO DIRECTOR

FROM LEGAT BONN NO. 85

MELVIN BELLI, RESEARCH (CRIME RECORDS.)

Consulting w. th State

REMYCAB SEPTEMBER 15 INSTANT.

[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6-18-80 BY SP2 TAP/Cbm

JD RECEIVED: 10:33 PM MSE

REC 3 105-49865-48

EX 106

11 OCT 4 1967

CC: M. Bishop
Mr. Jones
3RD CC: MR. BRENNAN

MR. DELOACH FOR THE DIRECTOR

54 OCT 10 1967

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

Dy. 7-28-67

DECODED COPY

☐ AIRGRAM ☒ CABLEGRAM ☐ RADIO ☐ TELETYPE

STATE 04

URGENT 9-15-67

TO DIRECTOR

FROM LEGAT BONN NO. 84

MELVIN BELLI, RESEARCH (CRIME RECORDS).

I HAVE BEEN ADVISED THAT BELLI WAS QUOTED, OR PARTIALLY RECORDED, ON ARMED FORCES NETWORK RADIO NEWS BROADCAST FROM SPEECH CASTIGATING DIRECTOR FOR FAILURE TO TAKE MORE EFFECTIVE ACTION AGAINST MAJOR CRIME. REPORTEDLY USED STRONG TERMS MENTIONING DIRECTOR BY NAME. I DID NOT HEAR BROADCAST, AND NOTHING HAS APPEARED IN LOCAL AMERICAN OR GERMAN PRESS TO THIS MOMENT.

[redacted]

BELLI HAS BEEN IN FRANKFURT DEFENDING ACCUSED AMERICAN SOLDIER.

[redacted]

REC 3[redacted] 105-[redacted]-4[redacted]

RECEIVED: 8:11PM RM

EX 106 COPIES DESTROYED

9 25 AUG 28 1972

11 OCT 4 1967

3RD CC: MR. BRENNAN

CC: Mr. Bishop + M. Jones

MR. DELOACH FOR THE DIRECTOR

If the information contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

F16

Consulting with State Dept.

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Bishop

DATE: 9-22-67

FROM : M. A. Jones

SUBJECT: MELVIN BELLI

By airtel dated 9-18-67, Legat, Bonn, submitted a tape recording of a news cast by the Armed Forces Radio Network on 9-14-67, containing remarks by captioned individual. According to Legat, Belli was in Frankfurt, Germany, as legal counsel to an accused American soldier when he made these remarks.

In substance, Belli stated that the Director has often snidely criticized the U. S. Supreme Court at commencement addresses and in his books. He states that "vice overlords" are well-known to the Director, and poses a rhetorical question as to whether the Director may be politically influenced for not "prosecuting" them. He manifests his abysmal ignorance as to the role of the FBI by his criticism of the Director's refusal to "prosecute" major criminals when he has full knowledge of their identities.

This, of course, is a mere continuation of previous attacks Belli has made against the Director in the same vein. As an addicted exhibitionist, he is fully aware that such unfounded and wild allegations will result in publicity, and he has continually exploited the use of the Director's name to this end.

RECOMMENDATION:

REC 13

For information.

105-49565-244

1 - Mr. DeLoach
1 - Mr. Bishop

EX 106

OCT 4 1967

DFC:ksf
(6)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6-18-80 BY SP2TAP/GM

62 OCT 10 1967

PERS. REC. UNIT

TRUE COPY

Mr. J. Edgar Hoover, Director,
Federal Bureau of Investigation
Washington, DC.

b7C [redacted]

Oct[redacted], 1967

Dear Mr Hoover:

By way of identifying myself: [redacted]

[redacted] lawyer Bellie's slanderous remarks about you.

Enclosed is a clipping from yesterday's Miami Herald, and an idea I have for catching the thieves.

Without altering the stamps and thus risk notice from stamp collectors, I'd just alter the size of one hole in the perforation. By changing the position of that one altered hole for different zones in the U.S.A. and then later finding many stamps used out of zone, it would just be a matter of pin pointing the large user, and eventually the fence.

Best of luck in this, and all other tasks you are encumbered with, despite the lack of cooperation from the black robed bench polishers. For God and Country I remain.

Sincerely yours,

/s/ [redacted]

b7C

P.S. The contents of this letter has not, and will not be divulged to anyone else.

ALL INFORMATION CONTAINED
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CERTIFIED
No. 203730
MAIL

ITC: 10-10-67
[illegible]
[illegible] 10-11-67
[illegible]

Mr. J. Edgar Hoover, Director,
Federal Bureau of Investigation
Washington D.C.

b7C [redacted]

Oct 5, 1967.

PROC.

40 OCT 9 1967

Dear Mr Hoover:-

By way of identifying myself [redacted] lawyer Bellis slanderous remarks about you. Melvin Belli

Enclosed is a clipping from yesterday's Miami Herald, and an idea I have for catching the thieves.

Without altering the stamps and thus ~~get~~ risk notice from stamp collectors, I'd just alter the size of one hole in the perforation. By changing the position of that one altered hole for different zones in the U.S.A. and then ~~finding~~ later finding many stamps used out of zone, it would just be a matter of pin pointing the large user, and eventually the fence.

REC-2 105-49965-215

Best of luck in this, and all other tasks you ~~are~~ OCT 16 1967 encumbered with, despite the lack of cooperation from the black robed bench polishers. For God and Country I remain.

Sincerely yours,

[redacted]

P.S. The contents of this letter has not, and will not be disclosed to anyone else.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 6-18-80 BY SP1 RHP/2ED

ITC: 10-10-67

ENCLOSURE

[redacted]

67C

Miami Favorite Source Of Mob Stamp Crimes

By PAUL SCHREIBER
Herald Staff Writer

Organized crime has turned to collecting stamps — using the Miami area as a favorite source of supply, the chief U.S. postal inspector said Tuesday.

With torches instead of tweezers, explained inspector Henry B. Montague, criminals have stripped nearly $2 million in stamps from post offices across the country.

Miami, he said, ranked high in the number of burglaries. A local inspector, W. L. Nestor, called South Florida a "hotbed" of postal theft.

At one time, Montague admitted, the incidence of such robberies was rare. That's not true, he said, since organized crime figured another system.

Their system is hard to beat:

The stamps, stolen by gangs of specialists, are peddled in other states to underworld fences who pass them on to business firms apparently controlled by organized crime and the Mafia.

"We can't necessarily tie the thefts to the Mafia," Montague said, "But the fences need a market and that's where organized crime comes in."

The postal burglary has become fairly routine. Gangs armed with sophisticated cutting tools enter the post office after posting a lookout with a walkie-talkie outside. They burn, cut through and peel away layers of metal on the steel vaults until they are able to scoop out every available stamp.

"The stamps are then flown out of Miami and sold to fences in other states," Nestor said.

The fences, purchasers of stolen goods, pay the gangs 30 to 50 per cent of face value. In turn, the fences sell to companies able to distribute the stamps without arousing suspicion and get 50 to 75 per cent of stamp value.

Legitimate business firms, Montague said, would refuse to buy stolen stamps, so outlets tend to be Mafia-operated companies.

Montague said many of the firms are set up expressly for purposes of fraud, generally involving violation of postal regulations. Their operation is to order large quantities of merchandise and then quickly declare bankruptcy or disappear after disposing of the goods.

Stolen stamps, he added, provide an extra margin of profit.

Montague, addressing the National Convention of Postmasters at Atlantic City, said gangs have operated largely in the Northeast, the Midwest and in cities like Miami.

The interest in South Florida has been strong: More than 50 burglaries in little more than a year.

"Miami must be close to the top 10 in the country," Nestor said. "We've had more burglaries in the Miami-area than in the whole Atlanta postal division — Florida, North Carolina, South Carolina and Georgia.

Montague called the increase "alarming," and outlined installation of new detection systems and safes in 11 test post offices.

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Oct 4, 1967
The Miami Herald

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